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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: FREEDOM OF EXPRESSION

Written statement*/ submitted by Reporters without Borders-International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

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ENG

Democratic Republic of Congo

More than 150 journalists have been imprisoned since Laurent-Désiré Kabila's troops entered Kinshasa on 17 May 1997. Since, Congolese journalists have had to face even greater repression than during the last years of Marshal Mobutu Sese Seko's reign. Journalists have been imprisoned, mostly without trial or explanation and perfectly illegally. The legal authorities are very seldom involved, limits on the time people can be kept in custody are almost never respected, and relatives and lawyers are not allowed to visit certain places of detention. Dozens of cases of ill-treatment, cruelty and torture have been reported. Some journalists have been whipped, others beaten with metal bars, others subjected to humiliation. During the past three years, newspapers have been seized, burned and suspended. The offices of media close to the former government have been ransacked and looted. Foreign journalists have been thrown out of the country. But the biggest threat hanging over the media comes from the nine security services, which act ruthlessly, throwing journalists into jail with impunity and in a completely arbitrary fashion. Although the authorities are confronting real problems because of the war plaguing the country, the lack of any sanctions against those who overstep the mark shows that the government has little inclination to launch an effective struggle against violations of press freedom.

The 1996 press law is meant to be amended by the Constituent Assembly. The amendment proposals would make the law more liberal. The minister responsible for the case has promised to abolish prison sentences for press offences, but the media fear that judges continue to use the much more repressive Penal Code to put journalists in prison.

The DRC has a real diversity of news sources - dozens of titles representing many shades of opinion are on sale in the streets of Kinshasa, which has several privately owned radio stations and half a dozen private television channels - the state maintains total control of *Congo National Radio and Television* (*RTNC*). In fact, the state broadcasting service might be described as the president's private hunting ground. On the other hand, many journalists fail to respect any of the generally accepted standards for the profession.

The security services

The DRC has nine security services. All of them have arrested journalists. Journalists may be prosecuted for allegedly libellous reports by the authorities, as well as by people close to the government or those with contacts in the security services. The rule of presumption of innocence is never respected. And if they fail to track down the journalist they want, the security forces may arrest a colleague or relative instead. Journalists are ill-treated and tortured in detention. Prison conditions are appalling. Journalists are kept in solitary dungeons and are refused medical care. Visiting rights are the exception rather than the rule: several journalists receive no visits for weeks on end, either from their families or their lawyers.

The National Intelligence Agency (ANR)

This service, which is answerable to the Interior Ministry, has several dungeons in Kinshasa and in other cities throughout the country. It is the one that has detained the biggest number of journalists.

On 7 November 1999 Djodjo Kazadi, editor of the weekly *La Palme d'Or*, was arrested at his home in Kinshasa by armed men. He was taken to the offices of the ANR's internal management. No explanation was given for the arrest. In its 4-11 November edition, *La Palme d'Or* had published a

report alleging that the inhabitants of Kivu wanted Laurent-Désiré Kabila to be put on trial. The journalist was released on 15 January 2000.

The other security services, are ***The State Security Committee (CSE), The Rapid Intervention Force (PIR), The Police Special Services (SSP), Military Detection Force for Anti-Patriotic Activities (DEMIAP), The Special Presidential Security Group (GSSP), The Prosecutor's Office Police (IPP), The Airports Security Agency (ASA), The Kinshasa Provincial Inspectorate (IPK).***

On 18 April 2000 national radio presenter Imbanda Lokenga was arrested by five GSSP officers as he was preparing a feature at the home of the chairman of the Congo Consumers' Union. He showed them his press card, which they immediately grabbed. Two officers beat him with their belts. Imbanda Lokenga, who found himself lying on the ground, said: "I didn't react and the commander thought I was making fun of him. He took out a metal bar and hit me on the shoulders and head with it. Then they dragged me along the ground to a house they were occupying. There, as I was bleeding, they sprayed me with surgical spirit. After that they let me go, without explanation."

Journalists tried before a military court

The Military Order Court (COM), set up at the start of 1998 to try soldiers accused of atrocities committed when AFDL troop entered Kinshasa, has tried six journalists and sentenced five of them to prison terms. Its rulings are not subject to an appeals procedure. Hearings usually take place behind closed doors, and no lawyers are allowed to attend.

Freddy Loseke, publishing manager of the triweekly *La Libre Afrique*, has been arrested nine times. Freddy Loseke is known for his lack of responsibility as a journalist. Nonetheless, he is still entitled to all the rights accorded under the law. On 31 December 1999 Freddy Loseke was arrested at his home by a group of soldiers. He was accused of publishing articles about the imminence of a coup d'état. On 11 January 2000 a soldier helped Freddy Loseke to escape from the camp. The next day about 20 members of his family were arrested in a bid to force him to give himself up to the police. The journalist complied on 13 January. On the same day General Yav called for Freddy Loseke to be tied up and given 150 lashes. He was then thrown naked into a solitary cell. On 14 January he was brought before the COM and told that he was being tried for "deliberately spreading rumours". On 3 May, at the last hearing in the trial, the prosecutor reworded the charge, in complete contradiction with Congolese law which states that only the judge can make such a decision. Freddy Loseke stood accused of "insulting the army" and faced a ten-year prison sentence. The verdict was due to be announced within a week, but it was only three weeks later, on 23 May, that he was sentenced to three years in jail. The journalist was released on 4 January 2001, together with two other journalists also sentenced by the COM.

Private media harassed by the government

The premises of media critical of the government have been looted or set on fire during the past three years. In recent months the privately owned *Radio Television Kin Malebo* (*RTKM*) has been the subject of severe harassment by the authorities. On 11 March the director of the Office of Illegally Acquired Goods (OBMA), accompanied by police officers, turned up at *RTKM*'s administrative offices with a decree dated 7 March and told the staff that their equipment was to be requisitioned by the state. Transmitters were also seized. In September, the name and programmes of the television were changed and journalists were sacked.

Public broadcasting: the president's private hunting ground

National radio and television are at the beck and call of the head of state and his government. Many *RTNC* journalists complain that they have to practise "formal journalism", restricting themselves to the reporting the official activities of the president and government. The information ministry, whose offices are on the top floor of the *RTNC* building, exerts complete control of news broadcast by the state media. Some state media journalists have been victims of abusive sanctions. For example, Chantal Kinyimbo was suspended from appearing on television for six months from April 1999, after a history teacher who had called for the formation of a government of national unity to appear on her programme. "

This report does not take account of violations of press freedom in areas controlled by rebels of the Congolese Union for Democracy and by troops from several foreign countries, but RSF condemns those violations just as strongly as the ones referred to above (see also the RSF 2000 Annual Report: Press Freedom throughout the World).

In April 1999 a resolution approved by the United Nations Commission on Human Rights expressed concern about "the arbitrary arrest and imprisonment without trial of journalists in the DRC". In February and again in September of that year, the United Nations' special rapporteur on human rights in the country, Roberto Garreton, pointed out that many journalists were still being persecuted. In reponse, information and tourism minister Didier Mumengi and human rights minister Leonard She Okitundu said in a joint statement in September: "The Democratic Republic of Congo has always respected its international undertakings concerning freedom of expression and the right to information." This report provides evidence that that is not the case.

Since 1996, the AFDL forces have also attacked foreign correspondents. About 15 foreign journalists have been expelled, arrested and even imprisoned, accused of spying or using false papers.